

(2) In order to assure the effectiveness of the inspection and maintenance program approved in § 52.2423 and required by § 52.2441, and the retrofit devices required under §§ 52.2444, 52.2445, 52.2446, and 52.2447 the Commonwealth shall monitor the actual per-vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the Commonwealth of Virginia in accordance with § 58.35 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(3) In order to assure the effective implementation of the car pool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free employee parking, and the parking surcharge approved in § 52.2423, the Commonwealth shall monitor vehicle miles traveled and average vehicle speeds for each area in which such sections are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the Commonwealth of Virginia in accordance with § 58.35 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table 1.

TABLE 1

Time period.
Affected area.

Roadway type	VMT or average vehicle speed	
	Vehicle type (1)	Vehicle type (2) ¹
Freeway		
Arterial		
Collector		
Local		

¹ Continue with other vehicle types as appropriate.

(4) No later than March 1, 1974, the Commonwealth shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(i) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(ii) The administrative procedures to be used.

(iii) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of the geographical area to which the data apply; identification of the location at which the data will be collected; and the time periods during which the data will be collected.

[37 FR 10898, May 31, 1972, as amended at 37 FR 15091, July 27, 1972; 38 FR 16568, June 22, 1973; 38 FR 33724, Dec. 6, 1973; 44 FR 27571, May 10, 1979; 51 FR 40677, Nov. 7, 1986]

§ 52.2428 Control strategy: Carbon monoxide and ozone.

Determinations—EPA has determined that, as of July 28, 1997, the Richmond ozone nonattainment area, which consists of the counties of Charles City, Chesterfield, Hanover and Henrico, and the cities of Richmond, Colonial Heights and Hopewell, has attained the ozone standard and that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to this area for so long as the Richmond ozone nonattainment area does not monitor any violations of the ozone standard. If a violation of the ozone NAAQS is monitored in the Richmond ozone nonattainment area, these determinations shall no longer apply.

[62 FR 32207, June 13, 1997]

EFFECTIVE DATE NOTE: At 62 FR 32207, June 13, 1997, § 52.2428 was added, effective July 28, 1997.

§§ 52.2429—52.2432 [Reserved]

§ 52.2433 Intergovernmental cooperation.

(a) The requirements of Subpart M of this chapter are not met because the plan does not adequately identify the State and local agencies, and their responsibilities, involved in carrying out the proposed transportation control measures.

[38 FR 16569, June 22, 1973, as amended at 51 FR 40677, Nov. 7, 1986]

§§ 52.2434—52.2435 [Reserved]**§ 52.2436 Rules and regulations.**

(a) [Reserved]

(b) The requirements of § 51.281 are not met with respect to Section 4.55 (b) of the Virginia regulations, because the regulation is not adequately enforceable. Therefore, Section 4.55(b) is disapproved.

[38 FR 33725, Dec. 6, 1973, as amended at 45 FR 55197, Aug. 19, 1980; 51 FR 40677, Nov. 7, 1986; 61 FR 16063, Apr. 11, 1996]

§§ 52.2437—52.2449 [Reserved]**§ 52.2450 Conditional approval.**

(a) Virginia's September 28, 1994 SIP submittal of a Consent Order and Agreement (Order) between the Department of Environmental Quality of the Commonwealth of Virginia and Philip Morris, Inc. establishing reasonably available control technology (RACT) for the Manufacturing Center located in Richmond, Virginia is conditionally approved based on certain contingencies. The condition for approval is to revise and resubmit the Order as a SIP revision within one year of September 29, 1995 according to one of the following: Eliminate the exemption to use non-ethanol-based flavorings in lieu of add-on controls; restrict the applicability of the exemption to the use of non-VOC based flavorings; or impose monitoring and reporting requirements sufficient to determine net increases or decreases in emissions on a mass basis relative to the emissions that would have occurred using add-on controls on an average not to exceed thirty days.

(b) The Commonwealth of Virginia's March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program is conditionally approved based on certain contingencies, for an interim period to last eighteen months. If the Commonwealth fails to start its program according to the schedule it provided, or by November 15, 1997 at the latest, this conditional approval will convert to a disapproval after EPA sends a letter to the state. If the Commonwealth fails to satisfy the following conditions within 12 months of this rulemaking, this conditional approval will automatically convert to a disapproval as explained

under section 110(k) of the Clean Air Act. The conditions for approvability are as follows:

(1) The Commonwealth must perform and submit the new modeling demonstration that illustrates how its program will meet the relevant enhanced performance standard, by September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA). The Commonwealth's revised modeling must correspond to the actual I/M program configuration, including actual test methods and start dates for all I/M program tests, actual cutpoints to be in-place for the evaluation year, and all other program assumptions as they exist in the SIP. EPA expects that Virginia's new modeling demonstration will be done using an approved EPA model in order to meet this condition. Virginia should refer to EPA's guidance on modeling to determine which version of the model is appropriate and suitable for Virginia's use in meeting this commitment.

(2) The Commonwealth must submit to EPA as a SIP amendment, by September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA), the final Virginia I/M regulation which requires a METT-based evaluation be performed on 0.1% of the subject fleet each year as per 40 CFR 51.353(c)(3) and which meets all other program evaluation elements specified in 40 CFR 51.353(c), including a program evaluation schedule, a protocol for the testing, and a system for collection and analysis of program evaluation data.

(3) By September 15, 1997 (a date specified by the Commonwealth in the commitment letter to EPA), Virginia must adopt and submit a final Virginia I/M regulation which requires and which specifies detailed, approvable test procedures and equipment specifications for all of the evaporative and exhaust tests to be used in the enhanced I/M program. The Commonwealth has committed to adopt approvable test procedures, standards and specifications for its two-mode ASM test. The draft regulations submitted to EPA with the commitment letter, containing the two-mode ASM procedures and specifications do not comply in all respects